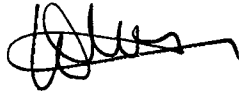


ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION



ORDER TO IMPLEMENT APPLICATION AND)
EXPEDITED PROCESS FOR APPROVAL OF)
CERTIFICATES OF TERRITORIAL)
AUTHORITY TO TELECOMMUNICATIONS)
SERVICE PROVIDERS IN ACCORDANCE)
WITH HEA 1279 AND IND. CODE § 8-1-2.6-2)

CAUSE NO. 43009

APPROVED: MAR 29 2006

BY THE COMMISSION:

Larry S. Landis, Commissioner

Gregory D. Server, Commissioner

Loraine L. Seyfried, Administrative Law Judge

On March 16, 2006, the Governor of the State of Indiana signed into law House Enrolled Act 1279, as enacted by the 2006 Indiana General Assembly ("HEA 1279"). In accordance with Ind. Code § 8-1-2.6-2, as amended by HEA 1279, the Indiana Utility Regulatory Commission ("Commission") has determined that an emergency exists requiring immediate action to develop and implement an application and expedited process for approval of certificates of territorial authority ("CTA") to telecommunications service providers. Implementation of the CTA application and expedited process is consistent with Ind. Code § 8-1-2.6, as revised by HEA 1279, and will serve to effectuate the goals and purposes of HEA 1279 by promoting cost minimization, advancing consumer access to affordable basic telecommunications service and ensuring regulation consistent with a competitive environment.

Based upon the statutory authority and a review of HEA 1279 and other applicable law, the Commission now finds, as follows:

1. **Commission Jurisdiction.** The Commission has jurisdiction to govern public utilities, as defined in Ind. Code § 8-1-2-1, in the manner and to the extent authorized in accordance with Title 8 of the Indiana Code. Pursuant to Ind. Code §§ 8-1-2-88, 8-1-2-88.5, the Commission is authorized to review applications by telecommunications service providers for CTAs and to approve the issuance and/or modification of a CTA. In addition, the Commission is authorized to develop alternative regulatory procedures in accordance with Ind. Code § 8-1-2.6. Therefore, the Commission has jurisdiction over this subject matter.

2. **Commission Discussion and Findings.** Telecommunications service providers, except for resellers which have been authorized to use an expedited process, have traditionally filed a formally docketed petition with the Commission to obtain a new or modified CTA. HEA 1279 establishes new requirements concerning the application, review, and issuance of CTAs for telecommunications service providers, as well as providers of video service, broadband service, advanced services, and Internet Protocol enabled services. Ind. Code § 8-1-32.5. These new requirements include the creation of a uniform application form and the expedited review and approval of a CTA application.

Although these new requirements are not yet mandated by statute for certain providers, the Commission finds that beginning implementation of these requirements for all telecommunications providers, including resellers, which are currently required to obtain a CTA, is prudent and in the public interest. Implementation of these requirements is consistent with the requirements of HEA 1279 and will serve to effectuate its goals and purposes by promoting cost minimization, advancing

consumer access to affordable basic telecommunications service in a timely and efficient manner, and ensuring regulation consistent with a competitive environment.

Therefore, the Commission finds that the CTA application form and procedures for expedited review, attached hereto as *Attachment A*, should be utilized by telecommunications service providers seeking to obtain or modify a CTA. If the Commission finds subsequent to the issuance of this Order that non-substantive changes to either the CTA application form or the procedures, or both, are necessary to effectuate the intent and purpose of this Order and HEA 1279, then such changes may be automatically made by the Commission. However, in the event that substantive changes to the CTA application or its procedure are considered necessary, this Cause may be reopened for further consideration and determination by the Commission.

Finally, the Commission also makes a preliminary determination, which is subject to a hearing and final determination, that any financial information submitted with the CTA application in accordance with the procedures set forth in *Attachment A* is entitled to confidential treatment in accordance with Ind. Code §§ 8-1-2-29 and 5-14-3-4. Furthermore, the Commission directs General Counsel to begin the process of modifying or adopting any regulations, including those relating to the submission and treatment of confidential information, necessary to implement the findings and procedures required by this Order and HEA 1279, on a permanent basis.

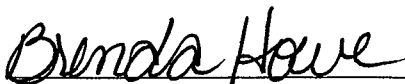
IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. Providers of telecommunications services seeking to obtain a CTA in Indiana shall utilize the CTA application and procedures attached to this Order at *Attachment A*.
2. General Counsel for the Commission is directed to begin the process for modifying or adopting regulations necessary to timely and effectively implement the procedural requirements contained in this Order and HEA 1279.
3. This Order shall supercede any prior Commission determinations concerning CTA application procedures.
4. This Order shall remain in effect until further order of the Commission or until made permanent through the adoption of any necessary regulations. Any person desiring to object to any term or directive of this Order and seek an opportunity for hearing shall do so within twenty (20) days of the date of this Order.
5. This Order shall be effective on and after the date of its approval.

HARDY, HADLEY, LANDIS, AND ZIEGNER CONCUR; SERVER ABSENT:

APPROVED: MAR 29 2006

**I hereby certify that the above is a true
and correct copy of the Order as approved.**



Brenda Howe

Acting Secretary to the Commission

ATTACHMENT A

Applicants are required to file an original and two paper copies and an electronic copy in PDF format.

APPLICATION FOR A CERTIFICATE OF TERRITORIAL AUTHORITY TO PROVIDE COMMUNICATIONS SERVICES WITHIN THE STATE OF INDIANA

Tracking No. _____

(Internal use only)

Mark each type of Communications Service for which applicant seeks authority:

Facilities-based local exchange ☐

Bundled Resale of local exchange ☐

Facilities-based Interexchange ☐

Alternative Operator Service (AOS) ☐

Caller ID ☐

I. Applicant Information

A. Legal Name of Company: _____

B. Name (s) under which the company will be marketing services in Indiana:
(Company names, including any "doing business as" must be registered with Indiana Secretary of State)

C. Company Address:

D. Name and address of company's contact person for ongoing regulatory affairs and/or customer service:

E. Telephone Number: _____ FAX Number: _____

Email Address: _____

F. Name of Contact Person for this application: _____

G. Telephone Number: _____ FAX Number: _____

E-mail Address: _____

H. Parent Company Name: _____

I. Parent Company Address: _____

J. Telephone Number: _____ FAX Number: _____

E-mail Address: _____

K. Does the applicant currently have other Certificates of Territorial Authority (CTAs) in the state of Indiana? If so, please list the CTA number and the type of authority granted.

II. Service Information

- A. Please provide a description of each service area in Indiana in which the applicant proposes to offer communications services. (*Service area descriptions shall include one or more of the following: state line, county lines, municipalities/city limits, unincorporated area(s), subdivisions, roadways, streets, blocks, or street addresses*) (add extra sheet if necessary) Include a street map as an attachment showing the location of these service areas within the state of Indiana to demonstrate the boundaries of the service area.

- B. Please provide a description of each type of communications service that the provider proposes to offer in each of the service areas identified above (add extra sheet if necessary).

- C. To what type(s) of customers will the above services be offered? (check all that apply)

Residential ☐

Business ☐

- D. If applicant plans to serve residential customers, will applicant offer stand alone basic local service with unlimited local calling? _____

- F. Please provide the expected date of deployment for each service area identified above.

III. Billing Information

- A. Who bills customers for service?

Applicant ☐

Third Party ☐

Local Exchange Carrier ☐

- B. Please describe the type of billing arrangements applicant offers to customers

Traditional ☐

(i.e., bills in arrears for toll, operator services or other per minute services)

Prepaid ☐

Other ☐ Please describe: _____

- C. How are complaints resolved?

Applicant resolves ☐

Billing agent resolves disputes ☐

Other _____ ☐

- D. Please list other states in which applicant is authorized to provide telecommunications services and the type of services offered.

IV. Additional Requirements

Applicant further represents that it will:

- Comply with appropriate Indiana law (Title 8 of the Indiana Code) and IURC regulations (170 IAC 7) and applicable current and future Orders of the IURC.
- Pay the annual public utility fee required by I.C. 8-1-6.

- Notify the Commission of any change in the legal name, address, control or status of the CTA.
- Update the information presented in this application on a regular basis; and
- Provide any other information the Commission may require.

In addition, applicant in good faith represents that it believes granting it a CTA is in the public interest and will further the development of full and fair competition for communications services in Indiana.

I affirm under the penalties of perjury that the foregoing representations are true.
(Must be signed by an officer of the company)

Signature and Date

Name and Title (printed or typed)

The following information must be included with this application:

1. Applicant's certification from the Secretary of State authorizing the applicant to do business within the state of Indiana.
2. Information demonstrating the financial, managerial and technical ability to provide each communication service identified in the application.
 - a. The applicant's most recent balance sheet
 - b. Biographies of the applicant's corporate officers indicating managerial and technical qualifications.
3. A street map showing the location of the boundaries of each service area the applicant proposes to serve within the state of Indiana.
4. A statement signed under penalty of perjury by an officer or another person authorized to bind the applicant, affirming:
 - a. That the applicant has filed or will timely file with the FCC all forms required by the FCC;
 - b. That the applicant agrees to comply with customer notification requirements imposed by the Commission;
 - c. That applicant agrees to update the information provided in the application on a regular basis.
 - d. That the applicant agrees to notify the Commission when the applicant commences offering communications service in each service area identified in this application.
 - e. That the applicant agrees to pay any lawful rate or charge for switched and special access services, as required under any:
 - i. Applicable interconnection agreement; or
 - ii. Lawful tariff or Order approved or issued by a regulatory body having jurisdiction.
 - f. That applicant agrees to report information required by the Commission under IC 8-1-2.6-13 (d)(9).

Although an evidentiary hearing before the Commission is not required, the Commission may hold an evidentiary hearing, if one is requested.

**Process for Applying for a
Certificate of Territorial Authority to
Provide Telecommunications Services**

Any party desiring to provide Telecommunications Services in the state of Indiana must receive authority to do so from the Indiana Utility Regulatory Commission (IURC). The IURC grants authority to provide telecommunications services through a Certificate of Territorial Authority (CTA).

There are four types of authority granted to carriers that provide local exchange or facilities-based intrastate telecommunications services:

1. Facilities-based Local Exchange Carrier
2. Competitive Local Exchange Carrier
3. Facilities-based Interexchange
4. Alternative Operator Service Providers

Caller ID - Local Exchange providers who wish to offer Caller ID must also specify this on the application described below.

The applicant must fill out a short, simple application which can be obtained from the IURC's website, and provide the following attachments:

- Proof of the company's authorization from the Indiana Secretary of State to transact business in Indiana, including registration of any assumed business names;
- The carrier's most recent balance sheet;
- Information attesting to the carrier's managerial and technical qualifications, such as biographies of corporate officers of the company;
- A statement signed under penalty of perjury by an officer or another person authorized to bind the provider, that affirms that the provider has complied with, or agrees to comply with the criteria set forth under IC 8-1-32.5 (6) (b) (3).
- A street map showing each service area for which the applicant proposes to offer telecommunications services.

An original application, including supporting documentation shall be filed with two additional copies and one electronic copy in PDF format on disk with the Tariff Administrator of the Telecommunications Division and stamped received. One copy of the application shall be immediately placed in the Office of Utility Consumer Counselor's (OUCC's) mailbox located at the Commission.

If the applicant believes that financial information to be submitted with the application is considered to be confidential in accordance with IC 8-1-2-29 and IC 5-14-3, the applicant should include a sworn statement that describes: 1) the nature of the confidential information; 2) the reasons why the information should be treated as confidential pursuant to IC 8-1-2-29 and IC 5-14-3; and (3) the efforts the applicant has made to maintain the confidentiality of the information. The confidential financial information should be submitted on light green paper, in a sealed envelope clearly marked confidential, and will be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with Ind. Code § 5-14-3.

If the applicant desires to submit information, other than financial information, that it considers to be confidential, then the applicant should first submit a petition for such a finding of confidentiality by the Commission in accordance with 170 IAC 1-1.1-4.

The application shall receive a preliminary review at the next Incoming Case Review meeting held by the IURC Telecommunications Division. If the application is complete, and upon resolution of any claim for confidentiality and submission of confidential information, it shall be assigned a tracking number and posted on the Commission's website as a non-docketed case.

If the application is not complete, the IURC will send written correspondence to the applicant enumerating any deficiencies. If the applicant re-files an updated application it will be considered to be a new application and assigned a new tracking number.

At the time of posting, the application will be assigned to a telecommunications analyst with the IURC Telecommunications Division for a more detailed review of completeness, accuracy and the adequacy of the information demonstrating the provider's financial, managerial and technical ability to provide each service identified in the application. The analyst also will ensure that any necessary record keeping, such as documenting carrier types, service areas or other record keeping the Commission may find necessary, is completed.

The application shall be posted on the Commission website for 30 days.

Although an evidentiary hearing before the Commission is not required, the Commission may hold an evidentiary hearing.

If during the 30-day posting period:

- the communications service provider;
- a facilities-based local exchange carrier offering service in a service area identified in the provider's application under IC 8-1-32.5 (6)(a)(4) of this chapter;
- the OUCC created by 8-1-1.1-2;
- the Commission on its own motion

has not requested a hearing, the application shall be approved.

Hearing Process

In instances where an evidentiary hearing is requested by one of the above parties, the IURC will conduct a hearing, subject to the requirements for hearing under IC 8-1-2 for public utilities.

Any subsequent changes to the Certificate of Territorial Authority, including changes to the service area described in the Application, require the filing of a Notice of Change in Certificate of Territorial Authority.